UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/748,698	12/22/2000	Franco Travostino	120-201	4557

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EXAMINER
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ART UNIT	PAPER NUMBER
2457	

NOTIFICATION DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *08 December 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-46* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-46* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

Response to Amendment

1.   This action is responsive to RCE received on Dec. 8, 2008. Claims 1-46 are

pending examination.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

2.   Claims 1-8, 10-33 and 36-46 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Lee, U.S. Patent No. 6,061,563 in view of Abramson et al., U.S.

Patent No. 6,539,494 (referred to hereafter as Abramson).

As to claims 1, 10 and 20, Lee teaches a method, device and computer program

for facilitating hand-off of a wireless terminal device to a first wireless access point from

a second wireless access point comprising:

determining that the communication session connectivity between the terminal

and the second wireless access point has or will be disrupted (see col. 2 lines 33-62,

determining that the wireless device moved from a first communication area to a second

communication area);

saving state information relating to the communication session connectivity

between the terminal device and the second wireless access point in a back end device

operatively connected with each of the access point devices, the back end device

operable to contemporaneously save state information relating to multiple communication sessions associated with multiple wireless access point devices (see col. 3 lines 44-col. 4 lines 35, state information is saved at the APa and transferred to a second access point APb to resume communication with the wireless device);

communication the saved state information from the back end device to the first wireless access point (see col. 3 lines 44-col. 4 lines 35)and

utilizing the saved state information by the first wireless access point to facilitate establishment of an association between the terminal device and the first wireless access point (see col. 3 lines 44-col. 4 lines 35, the saved state information Is used to reestablish communication between the wireless device and the access point).

Abramson teaches a system and method for storing session information from one server to a backup server and then sent to the second server where the backup server and the second server are different servers (see abstract). It would have been obvious for one of the ordinary skill in the art at the time of the invention to store the session in a backup server as in Abramson because doing so would make the system more efficient.

As to claims 2, 11 and 21, Lee teaches the method of claim 1, wherein determining that the communication session has or will be disrupted comprises: determining that the communication session has failed (see col. 3 lines 44-col. 4 lines 35).

As to claims 3, 12 and 22, Lee teaches the method of claim 2, wherein

determining that the communication session has failed comprises: monitoring for a

predetermined signal; and failing to receive the predetermined signal for a

predetermined amount of time (see col. 3 lines 44-col. 4 lines 35).

As to claims 4, 13 and 23, Lee teaches the method of claim 1, wherein

determining that the communication session has or will be disrupted comprises:

determining that it is necessary or desirable to disrupt the communication session (see

col. 3 lines 44-col. 4 lines 35).

As to claims 5, 14 and 24, Lee teaches the method of claim 1, wherein saving the

state information relating to the communication session comprises: saving the state

information for up to a predetermined amount of time (see col. 3 lines 44-col. 4 lines

35).

As to claims 6, 15, 25 and 31, Lee teaches the method of claim 1, wherein the

communication session is associated with an access point device, and wherein re-

establishing the communication session using the saved state information comprises re-

establishing the communication through the access point device (see col. 3 lines 44-col.

4 lines 35).

As to claims 7, 16, 26 and 32, Lee teaches the method of claim 1, wherein the

communication session is associated with an access point device, and wherein re-

establishing the communication session using the saved state information comprises re-

establishing the communication session through a different access point device (see

col. 3 lines 44-col. 4 lines 35).

As to claims 8, 17, 27 and 33, Lee teaches the method of claim 7, wherein re-

establishing the communication session through the different access point device

comprises: associating the state information with the different access point device. (see

col. 3 lines 44-col. 4 lines 35).

As to claim 30, Lee teaches a communication system comprising a number of

access point devices that each implement a first protocol layer of a wireless

communication protocol and a back end device that implements a second protocol layer

of the wireless communication protocol on behalf of the number of access point devices,

wherein the back end device is operably coupled to save state information for a

communication session upon determining that the communication session has or will be

disrupted and subsequently re-establish the communication session using the saved

state information (see col. 3 lines 44-col. 4 lines 35);

whereby the first access point can utilize the saved state information to facilitate

establishment of an association between the terminal device and the first wireless

access point (see col. 3 lines 44-col. 4 lines 35).

As to claim 36, Lee teaches the communication system of claim 30, wherein the

communication session is associated with a terminal equipment device that

communicates with the back end device through an access point device, and wherein

the back end device is operably coupled to determine that the communication session is

disrupted upon failing to receive a predetermined signal from the terminal equipment device for a predetermined amount of time (see col. 3 lines 44-col. 4 lines 35).

As to claim 37, Lee teaches a terminal device accesses a communication network through one of a plurality of access point devices that implement a first protocol layer of a wireless communication protocol and a back end device that implements a second protocol layer of the wireless communication protocol, a method for moving the terminal device from a first access point device to a second access point device, the method comprising:

saving state information for the terminal device by the back end device, the state information relating to connectivity of a communication session between the terminal device and the first wireless access point, the back end device operable to save state information relating to communication sessions associated with multiple wireless access point devices (see col. 3 lines 44-col. 4 lines 35);

terminating communication with the terminal device over the first access point device (see col. 3 lines 44-col. 4 lines 35);

communicating the saved state information from the back end device to the second wireless access point (see col. 3 lines 44-col. 4 lines 35); and

utilizing the saved state information by the second wireless access point to facilitate establishment of an association between the terminal device and the second wireless access point (see col. 3 lines 44-col. 4 lines 35).

As to claim 38, Lee teaches the method of claim 37, wherein the first access

point device is congested, and wherein re-establishing communication with the terminal

device over the second access point device using the saved state information is done to

avoid the congestion at the first access point device (see col. 3 lines 44-col. 4 lines 35).

As to claim 39, Lee teaches the method of claim 37, wherein re-establishing

communication with the terminal device over the second access point device using the

saved state information is done for load balancing purposes to split network traffic

between the first access point device and the second access point device (see col. 3

lines 44-col. 4 lines 35).

As to claim 40, Lee teaches the method of claim 37, wherein the first access

point device and the second access point device are in different service provider

systems, and wherein re-establishing communication with the terminal device over the

second access point device using the saved state information is done to move the

terminal device to a predetermined service provider system (see col. 3 lines 44-col. 4

lines 35).

As to claim 41, Lee teaches the method of claim 37, wherein re-establishing

communication with the terminal device over the second access point device using the

saved state information is done for cost purposes to move the terminal device to a less

expensive access point device (see col. 3 lines 44-col. 4 lines 35).

As to claim 42, Lee teaches a terminal device accesses a communication

network through one of a plurality of access point devices that implement a first protocol

layer of a wireless communication protocol and a back end device that implements a

second protocol layer of the wireless communication protocol, a method for using

information related to the terminal device, the method comprising: saving information for

the terminal device by the back end device; and using the saved information to facilitate

establishment of connectivity with a second wireless access point (see col. 3 lines 44-

col. 4 lines 35).

As to claim 43, Lee teaches the method of claim 42, wherein using the saved

information comprises: using the saved information for accounting purposes (see col. 3

lines 44-col. 4 lines 35).

As to claim 44, Lee teaches the method of claim 42, wherein using the saved

information comprises: using the saved information for network management purposes

(see col. 3 lines 44-col. 4 lines 35).

As to claim 45, Lee teaches the method of claim 42, wherein using the saved

information comprises: using the saved information for user tracking purposes (see col.

3 lines 44-col. 4 lines 35).

As to claim 46, Lee teaches the method of claim 42, wherein using the saved

information comprises: using the saved information for user locating purposes (see col.

3 lines 44-col. 4 lines 35).

3.   Claims 9, 34 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Lee in view of Abramson further in view of Leon, U.S. Patent No. 6,680,923.

As to claims 9, 34 and 35, Lee teaches a method for maintaining a communication session by a back end device in a communication system, the method comprising determining that the communication session has or will be disrupted, saving state information relating to the communication session and subsequently re-establishing the communication session using the saved state information (see col. 3 lines 44-col. 4 lines 35).

Lee does not explicitly teach the claimed limitation the communication session comprises a Bluetooth communication session". However Leon teaches a method for communicating with multiple devices using Bluetooth communication session the first protocol layer is a lower protocol layer of the Bluetooth wireless communication protocol, and wherein the second protocol layer comprises an upper protocol layer of the Bluetooth wireless communication protocol (see col. 1 lines 32-52 and col. 2 lines 44-col. 3 lines 20).

It would have been obvious for one of the ordinary skill in the art at the time of the invention to modify Lee by implementing Bluetooth communication session as taught by Leon because doing so would allow wireless communication between devices, thereby providing more versatility and eliminating many cabling limitations/requirements that may limit expansion.

Response to Arguments

3.   Applicant's arguments have been considered but are moot in view of the new grounds of rejection.

4.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to HUSSEIN A. EL CHANTI whose telephone number is

(571)272-3999. The examiner can normally be reached on Mon-Fri 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Ario Etienne can be reached on (571)272-4001. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

/Hussein El-chant/
Patent Examiner

April. 11, 2006